

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

KEON BLACKSHEAR,

Plaintiff,

v.

CINCINNATI ADULT PAROLE AUTHORITY, et al.,

Defendants.

Case No. 1:11-cv-212

Barrett, J.  
Bowman, M.J.

**ORDER**

By separate Report and Recommendation filed herewith, the undersigned has recommended that Defendant Matulavich's motion for summary judgment be granted, that the motion to dismiss of two as-yet unserved Defendants also be granted, and that Plaintiff's motions for summary judgment and to amend his complaint be denied. The recommended entry of judgment in favor of the Defendants and closure of this case moots several non-dispositive motions filed by Plaintiff.

To the extent that any additional discussion is needed, the Court will deny Plaintiff's motion to strike Defendants' response in opposition to Plaintiff's motion for summary judgment (Doc. 30) as procedurally improper and without merit. The Court will also deny Plaintiff's discovery-related motions (Docs. 32, 33) as procedurally improper, because the Federal Rules of Civil Procedure anticipate that discovery requests will be served directly upon opposing counsel without filing a motion in the record. In fact, a prior Order of this Court previously advised Plaintiff of this exact process. (Doc. 20). A motion to compel discovery may not be sought absent evidence that a party has first complied with those

rules and attempted to resolve any dispute extra-judicially prior to filing a motion with the Court. See *generally*, Fed. R. Civ. P. 37. In addition, the Court finds meritorious Defendant's motion to stay discovery (Doc. 35) for the reasons related in that motion. As stated in the Report and Recommendation filed this same day, Defendants are entitled to judgment as a matter of law, and none of the discovery sought by Plaintiff would alter that conclusion.

For the reasons stated herein, **IT IS ORDERED:**

1. Plaintiff's non-dispositive motions (Docs. 30, 32, 33) are **DENIED** for the reasons stated, and because the motions have become moot in light of the Report and Recommendation entered this day;

2. Defendant's motion to stay discovery (Doc. 35) is **GRANTED** to the extent that no Defendant need respond to any outstanding discovery request until such time as the presiding district judge adopts or rejects the pending Report and Recommendation.

s/ Stephanie K. Bowman

Stephanie K. Bowman  
United States Magistrate Judge